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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,566	01/23/2006	Hisamitsu Takagi	12088/042001	2114

22511 7590 08/03/2010  
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EXAMINER
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O BRIEN, JEFFREY D

ART UNIT	PAPER NUMBER
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3677

NOTIFICATION DATE	DELIVERY MODE
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08/03/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,566	<b>Applicant(s)</b> TAKAGI ET AL.	
	<b>Examiner</b> Jeffrey O'Brien	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

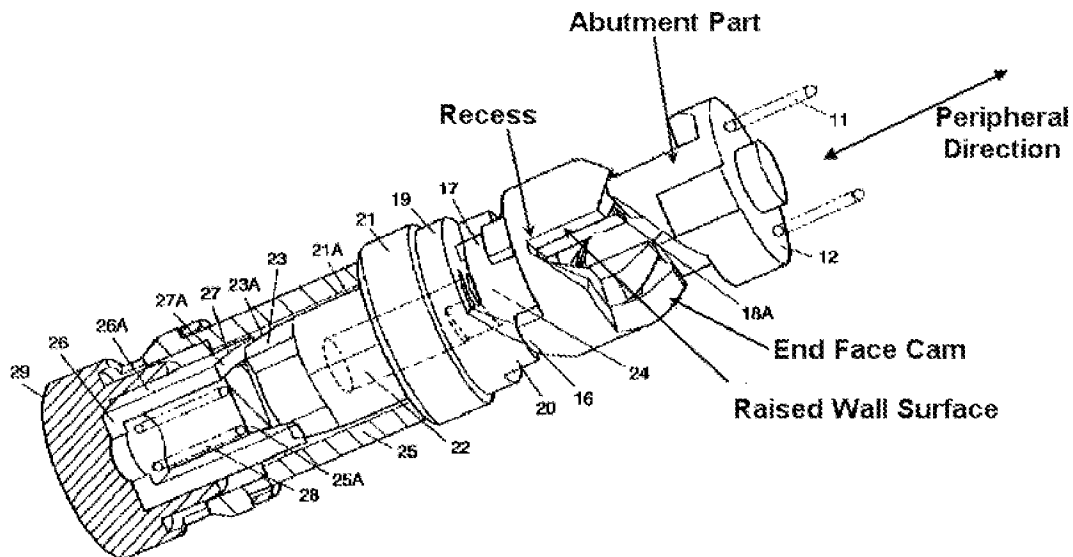
2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Minami et al ("Minami", U.S. Patent No. 6,886,221).

Minami discloses a hinge apparatus comprising a first hinge member (12) and a second hinge member (25) turnably connected to the first hinge member, a movable member (14) arranged on a turning axial line of the first and second hinge members in such a manner as to be turnable about the turning axial line and movable in the direction of the turning axial line (Figs. 1-7B). Biasing means (3) are adapted to bias the movable member (14) toward the first hinge member (12). The first hinge member and the movable member have confronting surfaces (Figs. 5A-7B). One of the confronting surfaces is provided a plurality of end face cam surfaces (upper surface of movable member 14 that faces towards 12, see figure below) extending in a peripheral direction about the turning axial line and equally spacedly arranged in the peripheral direction about the turning axial line (see figure below). A raised wall surface (vertical wall next to 15A) disposed between two of the end face cam surfaces that are adjacent in the

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peripheral direction (see figure below), a distal end portion of said raised wall surface extending toward the other of said confronting surfaces in the direction of the turning axial line. The other of the confronting surfaces of the first hinge member and the movable member (14) is provided with a pair of abutment parts (13) that are urged against the pair of end face cam surfaces by the biasing force of the biasing means and co-acts with the pair of end face cam surfaces to convert the biasing force of the biasing means to a turn biasing force for turning the second hinge member (25) through the movable member (14). A recess (as seen in annotated Fig. 1) is formed a basal end portion of the raised wall surface and located at the intersection of the raised wall surface and the end face cam surface so as to extend into the raised wall portion in the peripheral direction about the turning axial line and arranged on an extension of the end face cam surface. The raised wall surface is located between the recess and the other of the confronting surfaces in the direction of the turning axial line (when the lowermost part of the end face cam surface is disposed in the lowermost part of end face cam surface of the one of the confronting faces and a surface of the end face cam of the other one of the confronting surfaces abuts the raised wall so that the face wall is between the recess and the other of the confronting surfaces in the direction of the turning axial line).

**Annotated Fig. 1**



3. With respect to claims 2 and 3, Minami discloses that one side surface of the recess forms part of the end face cam surface (see figure above). The end face cam surface has a length of at least 180 degrees in the peripheral direction (see figure above).

### ***Response to Arguments***

4. Applicant's arguments filed 6/29/2010 have been fully considered but they are not persuasive.

5. Regarding Claim 1, Applicant argues that the recess does not extend in the peripheral direction. Applicant relies on the annotated Figure found in the arguments which has an arrow indicating a peripheral direction. Examiner, however, interprets the

peripheral direction of the movable member 14 to be that indicated in the above Annotated Fig. 1. It is pointed out that given the broadest reasonable definition, “peripheral” can be taken to mean “outer boundary”. The outer bounding edge of the movable member 14 can be taken as both the upper and lower edge of the movable member. As such, the recess indicated in the annotated Fig. 1 extends in the direction of the upper and lower edge of the movable member 14 and therefore extends into said raised wall surface in the peripheral direction.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Thursday 7:30am-5:30pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VICTOR BATSON/  
Supervisory Patent Examiner, Art Unit 3677

/JO/  
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